

MAR 19 2002

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023
www.uspto.gov

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/004,201	11/01/2001	Claus Bornaes	0220US210

CONFIRMATION NO. 5811

FORMALITIES LETTER



OC000000007312570

Joanne Petithory
Maxygen, Inc.
515 Galveston Drive
Redwood City, CA 94063

Date Mailed: 01/15/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

1/11

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Please type a plus sign (+) inside this box ☒

Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 18

Application Number	10/004,201
Filing Date	November 1, 2001
First Named Inventor	Claus Bornaes
Group Art Unit	1644
Examiner Name	Unassigned
Attorney Docket Number	0220us210

ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form (x 2)
☐ Fee Attached
☐ Amendment / Response
☐ After Final
☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement
☐ Certified Copy of Priority Document(s)
☒ Response to Missing Parts/ Incomplete Application
☒ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
☐ Drawing(s)
☐ Licensing-related Papers
☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation Change of Correspondence Address
☐ Terminal Disclaimer
☐ Small Entity Statement
☐ Request for Refund

- ☐ After Allowance Communication to Group
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☒ Additional Enclosure(s) (please identify below):

Declaration (3 pp.), Power of Attorney by Assignee (1 p.), Statement Under 37 CFR 3.73(b) (3 pp.), Copy of Notice to File Missing Parts (2 pp.), Request for Corrected Filing Receipt (2 pp.), Marked-up Copy of Filing Receipt (1 p.); Return postcard

Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Joanne R. Petithory, Reg. No. 42,995
Signature	<i>Joanne R. Petithory</i>
Date	March 13, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, Attn: Box Missing Parts on this date: March 13, 2002

Typed or printed name Diana M. Schaller

Signature

D. Schaller

Date

March 13, 2002

Please type a plus sign (+) inside the box → ☐

(Modified) PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/004,201
Filing Date	November 1, 2001
First Named Inventor	Claus Bornaes
Group Art Unit	1644
Examiner Name	Unassigned
Attorney Docket Number	0220us210

Total Number of Pages in This Submission 16

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Statement Accompanying Sequence Listing (1 p.); Sequence Listing (12 pp.); Computer Diskette Containing Sequence Listing; Copy of Notice to File Missing Parts; Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Authorization to Charge Deposit Account Please charge Deposit Account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Joanne R. Petithory, Reg. No. 42,995
Signature	<i>Joanne R. Petithory</i>
Date	March 13, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202, on this date: March 13, 2002			
Typed or printed name	Diana M. Schaller		
Signature	<i>D. Schaller</i>	Date	March 13, 2002

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number	10/004,201
Filing Date	November 1, 2001
First Named Inventor	Claus Bornaes
Examiner Name	Unassigned
Group Art Unit	1644
Attorney Docket No.	0220us210

TOTAL AMOUNT OF PAYMENT	(\$)	130.00
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METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	50-0990
Deposit Account Name	Maxygen, Inc.

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) Joanne R. Petithory

Registration No. 42,995
(Attorney/Agent)**Complete (if applicable)**

Telephone (650) 298-5300

Signature

Joanne R. Petithory

Date

March 13, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202
Attn: Box Missing Parts

On March 13, 2002

By *D. Schaller*
Diana M. Schaller

Attorney Docket No. 0220us210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Claus Bornaes et al.

Application No.: 10/004,201

Filed: November 1, 2001

For: NEW MULTIMERIC INTERFERON
BETA POLYPEPTIDES

Examiner: Unassigned

Art Unit: 1644

TRANSMITTAL LETTER - RESPONSE
TO NOTICE OF MISSING PARTS

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202
Attn: Box Missing Parts

Sir:

Pursuant to the "Notice to File Missing Parts of Application - Filing Date Granted" dated January 15, 2002, enclosed are the following to be made of record in the above-identified application:

- 1) Executed Declaration;
- 2) Power of Attorney and Statement Under 37 C.F.R. 3.73(b)
(+ **copies of Assignments - not for recordation-note: The Assignments for recordation are being sent concurrently under separate cover to Box Assignment, pursuant to the MPEP @ Page 300-M and Form PTO-1619A**);
- 3) Copy of Notice of Missing Parts;
- 4) Fee Transmittal Sheet;

- 5) Transmittal Sheet;
- 6) Request for Corrected Filing Receipt;
- 7) Marked-up Copy of Filing Receipt;
- 6) Return postcard.

Please note that the Sequence Listing, Statement Accompanying Sequence Listing and the computer diskette containing the sequence listing in computer readable format **are being sent concurrently under separate cover to Box Sequence, P.O. Box 2327, Arlington, VA 22202, pursuant to the Attachment to "Notice to Comply with Requirements... Sequence Disclosures" as attached to the Notice to File Missing Parts of Application as received in the above-identified application.**

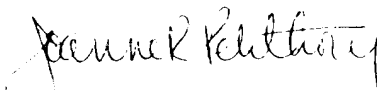
Please charge Deposit Account No. 50-0990 for the following fees:

Missing Parts Surcharge	\$ 130.00
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TOTAL FEES TO BE CHARGED	\$ 130.00
---------------------------------	------------------

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 50-0990.

Respectfully submitted,


Joanne R. Petithory
Reg. No. 42,995

Maxygen, Inc.
Patent Department
515 Galveston Drive
Redwood City, California 94063
Customer No. 30560
Telephone: (650) 298-5300
Facsimile: (650) 298-5446



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Attn: Box Missing Parts

On March 13, 2002

By *D. Schaller*
Diana M. Schaller

Attorney Docket No.: 0220us210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Claus Bornaes, et al.

Application No.: 10/004,201

Filed: November 1, 2001

For: New Multimeric Interferon Beta
Polypeptides

Examiner: Unassigned

Art Unit: 1644

REQUEST FOR CORRECTED
FILING RECEIPT

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202
Attn: Box Missing Parts

Sir:

Attached is a copy of the official Filing Receipt received from the Patent and Trademark Office in the above-noted application for which issuance of a corrected filing receipt is respectfully requested.

There is an error in that the third named inventor's first name should read as follows:

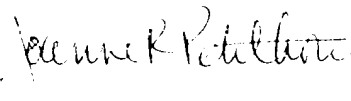
Poul Baad Rasmussen

It is believed that no fee is due for correction of the Filing Receipt. However, if the

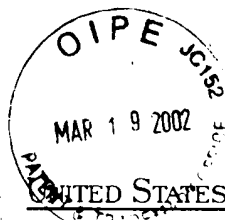
Claus Bornaes, et al.
Application No.: 10/004,201
Page 2

Commissioner believes a fee is due, the Commissioner is hereby authorized to charge Deposit
Account No. 50-0990.

Respectfully submitted,


Joanne R. Petithory
Reg. No. 42,995

Maxygen, Inc.
Patent Department
515 Galveston Drive
Redwood City, California 94063
Telephone: (650) 298-5300
Facsimile: (650) 298-5446
Customer No. 30560

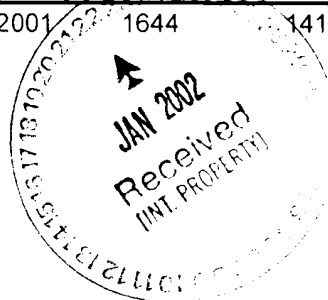


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP/ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/004,201	11/01/2001	1644	1416	0220US210		32	2

Joanne Petithory
Maxygen, Inc.
515 Galveston Drive
Redwood City, CA 94063



CONFIRMATION NO. 5811

FILING RECEIPT



OC000000007312569

Date Mailed: 01/15/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Claus Bornaes, Hellerup, DENMARK;
Kim Vilbour Andersen, Broenshoej, DENMARK;
~~Paul~~ Baad Rasmussen, Soeborg, DENMARK;
Anders Hjelholt Pedersen, Lyngby, DENMARK;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/245,645 11/02/2000

Foreign Applications

If Required, Foreign Filing License Granted 01/15/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

New multimeric interferon beta polypeptides

Preliminary Class

COPY

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).